

LICENSING SUB-COMMITTEE

BETWEEN

JACKZ BAR

-v-

TORBAY COUNCIL

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Statement of Anthony Peter Ralph and exhibits

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Hearing Date: 24th March 2022

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A. Statement of Anthony Peter Ralph ["Andy"]

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**JACKZ BAR**

-v-

**TORBAY COUNCIL**

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STATEMENT OF ANTHONY PETER RALPH

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I, Mr Anthony Peter Ralph ["Andy"], Area Manager for Hennessey Sports Bar Limited (incorporating both bars) will say as follows:

**Background and history in the licensing industry**

1. I am making this statement in relation to the premises licence review of Jackz Bar, due to be heard on 24 March 2022,
2. I am 66 years and have around 20 years experiencing in the licencing industry. I am used to running bars with a history of doing so in a brewery backed environment and a corporate environment.
3. In 2003, my wife and I ran the Tern Inn, in Chipping Sodbury. I was named as DPS for a second pub between around 2004 and 2007, namely the Woodbine in Cirencester. I Acquired BIIAB Level 2 NCL 02/05/2003, this was a 3 day Pub Management course covering all aspects of pub management. A copy of the certificate is attached and marked as exhibit **APR/1**.
4. did the personal licence qualification course and enjoyed around 3 years running two pubs. My wife and I then moved on in or around 2007 after the introduction of the smoking ban had an immediate impact on business.
5. After a short while out of the industry, I returned to a role as a bar manager and duty manager at the Esplanade Hotel in Paignton. Whilst I was not named DPS on this licence I effectively held the role of a DPS. I had responsibility for a large number of staff and guests (45 staff and 144 guests). I received a lot of on job training, to include fore safety, health and safety,



COSHH, ALPS (Award for Licenced Premises Staff, Risk Assessments for Licenced Premises. I believe that this environment was an invaluable part of my education in the licensing trade. We were very often subject to snap inspections from internally employed Environmental Health Officers who held us to extremely high standards. This has taught me to work to an extremely high standard. I enjoyed 10 years working at the Esplanade. The impact of Covid 19 led to the closure of the Esplanade. Given that we lived in the staff accommodation we had to find alternative accommodation and alternative employment.

6. We were introduced to the owner of the Buller's Arms, in Brixham, by a mutual friend. I was appointed as General Manager. I was not initially named as DPS, my wife was. She, however, left the role after around 6 months and the owners neglected to nominate me as the DPS. I effectively took that responsibility until leaving in January 2022.
7. I implemented a number of systems and procedures during my time there. I ensured that I undertook regular refresher training and produce the following certification:
  - a) E-learning course certification in Age Verification (dated 14 April 2021) – marked as exhibit APR/2;
  - b) E-learning course certification in Allergen Awareness (dated 10 May 2021) – marked as exhibit APR/3;
  - c) E-learning course certification in Drugs Awareness (dated 11 April 2021) – marked as exhibit APR/4;
  - d) E-learning course certification in Fire Safety Awareness (dated 28 March 2021) – marked as exhibit APR/5;
  - e) E-learning course certification in Health and Safety (dated 28 March 2021) – marked as exhibit APR/6;
  - f) E-learning course certification in Manual Handling (dated 11 April 2021) – marked as exhibit APR/7, and
  - g) E-learning course certification in Slips, Trips and Falls (dated 29 March 2021) – marked as exhibit APR/8.

#### Involvement with Jackz Bar to date

8. My daughter, [REDACTED], is friends with Ross' [REDACTED]. I have known of him for a number of years although I have only recently got to know him. After my shift at the Buller's Arms, my wife and I would often go to Jackz for a night cap. It was there that I met Ross and got to know him.
9. When Ross told me of his first problems back in the summer of 2021, I agreed to help him out. I was happy to move on from the Buller's Arms and saw that Ross needed my help. At first I became involved to try and help out with Hennessy Cocktails. I attended the premises

licence review hearing for that bar as a witness. I stated that I was prepared to leave my job there and then to step in for Ross as DPS should that assist, such is my faith in him. The Sub-Committee did not accept this assertion after hearing from my then employer, [REDACTED], owner of the Buller's Arms, who stated that "I had to work 28 days notice". This was a false statement as I had no written terms of employment, I was paid weekly. I had only worked for him for a year and a half and no verbal agreement for notice period. I was not made aware that this notice period was given as evidence until after the hearing and feel that this false statement heavily impacted on the decision of refusal of me becoming the DPS for Hennessey's.

10. I feel that Ross has been unfairly treated and was happy to share my expertise. I always found Ross very receptive to the advice I was able to offer given my decades of experience in the industry. I believe him to be a genuine businessman who seeks to do things the right way. I also feel comfortable in the knowledge that he respects my opinion and accepts my judgement in relation to matters that I am more experienced than him with. I am not scared to tell him when I feel he is overstepping. I am aware that he is to have no active part in the management of the licence.
11. A major part of the reason I was eager to help Ross was because, in my view, Jackz has improved since Ross took over. Ross has engaged with the local authority and all relevant authorities to ensure compliance. My vision for Jackz is to push this customer base towards an older demographic. I firmly believe that there is the relevant customer base there to be catered for by Jackz and that moving towards this customer base brings with it less disorder.
12. After leaving the Buller's Arms I started working with Ross on or around 14 January 2022. I have played a big role in overseeing the renovations. I have worked alongside Ross in his capacity as leaseholder and business owner. He has not made any decisions about the licence since I came on board.
13. My role was initially to be involved as an 'Area Manager' of both Hennessey Cocktails and of Jackz Bar. [REDACTED] was to continue as DPS and licensee of Jackz with me offering my support and experience in a management role. I have worked with [REDACTED] since 14 January 2022 until she recently made the difficult decision to step away from her role as DPS. Given that the decision was made to keep the bar closed until the refurbishments and corrective actions were resolved, [REDACTED] has had to find alternative employment. She will remain as a member of staff but will no longer have the capacity to act as DS and licensee.
14. I did not hesitate to agree to being out forward as licensee and DPS in [REDACTED] absence. That is not a decision I would take unless I was absolutely confident in the establishment, its

systems and in the ownership. I am confident that I will have full responsibility in relation to how the bar is run and Ross is confident in my ability to do so.

15. I have recently applied to be DPS and Licence holder on a new application for Hennessey Cocktails and as recently as 21 March 2022, I submitted an application for the same responsibilities with Jackz Bar.
16. I believe that these are roles that can co-exist and my capacity will not be stretched. Whilst these are separate establishments, they open at different times and share a lot of staff resources. My overall aim is to be supported by a strong management team beneath me with a view to training them to the extent that they could eventually apply to replace me as DPS.
17. I have discussed the possibility of me being named as DPS for both places with Julie Smart, licensing officer, who was very enthusiastic and suggested there would be no issue with this.
18. I have had a very recent meeting on 7 March 2022 with Inspector Martin Tregaskis. I felt that it was a very productive meeting and we were together at the premises of Jacks Bar for around 1 and half hours and we discussed the history of the issues with the premises. Ross was present with me at the meeting with me. Ross is the business owner of Jackz and of Hennessey Cocktails and felt it was appropriate to provide a history to Martin Tregaskis given he had not been involved up until that point. This was for context only and not an indication of Ross' ongoing involvement with the management of the licence. We discussed the history of licensing issues relating to Hennessey Cocktails and Jackz Bar and overall, I felt that it was a very positive meeting and felt energised and confident that I could enjoy a good working relationship moving forwards.
19. My understanding from Ross' approach as a business owner is that he does not cut corners and that if something needs to be dealt with then it will be. If the licensing officers had informed Ross that restorative and corrective works needed to be done on a closure notice would be issued then the works would have been done. I understand that Ross was reliant on safety inspections relating to the electrics and previous visits failing to raise any serious concerns as reassurance that the building was safe. That said, I also know that it was always part of Ross' business plan to redevelop the building and that would have addressed many of the issues that appear to have been longstanding issues from the time of the previous owner of Jackz Bar.

#### Renovation work carried out

20. Much has been done to renovate the property to deal with the concerns outlined with respect to health and safety. I engaged a local contractor to oversee the works and I have assisted where necessary. I have a history as a sound engineer and a general builder. An example of the works carried out is outlined below:

- a. We have ripped out over a mile of old cables that have been there since the previous owner. It is apparent that over the years new cables were put in but old ones left unremoved. Although it should be stressed that they were not live wires, it should be said that this issue has been rectified;
- b. The lights in the male and female toilets have been restored, with each cubicle being fitted with safety lights;
- c. Hot running water has been added to the male and female bathrooms;
- d. The sink has been replaced in the female bathroom;
- e. Old ceramic urinals have been removed from the male bathroom and replaced with stainless steel urinals;
- f. A noise pollution system has been installed. There is a default setting to cut off the power in the event that the sound exceeds a certain level;
- g. The emergency exit door has been widened. Push bars have been fitted to allow the doors to open outwards;
- h. An old jukebox has been removed and minor works carried out to restore the wall behind it;
- i. We have re-situated a fuse board and ensured it is concealed;
- j. We have completed secondary glazing to the windows outside. Laminate glass is now in place;
- k. We have dug out and removed a concrete step outside to extend the width of our fire exit;
- l. We have re-concreted external steps in our fire exit; and
- m. We have replaced and renewed the hand dryers in both toilets.

21. Whilst continued improvements are ongoing, I am content that the bar is in a much better condition and is certainly in a safe state to be opened to the public.

#### Alleged breaches

22. I understand that some of the reasons of the Review application being made relate to alleged breaches of agreed conditions to include the following:
- a. Continued involvement of Ross Hennessey in the control and management of the premises licence. I can categorically say that since I started in place on 14 January 2022, all decisions and management relating to the premises licence have been dealt with by [REDACTED] and me, until [REDACTED] very recently stepped away from that role. Ross has been on hand to assist with practical issues relating to restorative works, given his responsibility as a leaseholder and business owner. He has not overruled any of my efforts and has largely afforded me the authority to deal with all matters related to the licence;

- b. All staff that are returning now have BIIA certificates. I understand that Ross had misunderstood the timescales involved with ensuring those were in place. I exhibit a copy of those to this statement marked as APR/9.
- c. We are in the process of obtaining accreditation by Best Bar None. I understand that there is a waiting period pending the relaunch of the organisation at the end of March 2022. That will be followed up as soon as allowable; and
- d. Posters regarding responsible drinking and challenging ages were apparently not properly displayed. I can assure the licensing authority that they will be properly displayed under my tenure.

My involvement moving forward:

23. I have reassured Ross that I will be available for Jackz Bar for as much as is needed. I have an appetite and desire to ensure the smooth operation of Jackz Bar and have the capacity to do what is needed. I will likely be on site between 5 and 7 nights a week if needed. I am 5 – 7 minutes away by car. We have cameras to assess what is going on when I am not there. I am very confident that I can exercise proper control of the management of the licence.

I certify that the contents of this statement, consisting of 5 pages, are true and I understand that it will be used as evidence in the case.

SIGNED: \_\_\_\_\_

Anthony Peter Ralph

DATED: \_\_\_\_\_

22/03/22

B. Exhibit APR/1

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# QUALIFICATIONS For Licensed Retail

This is to certify that

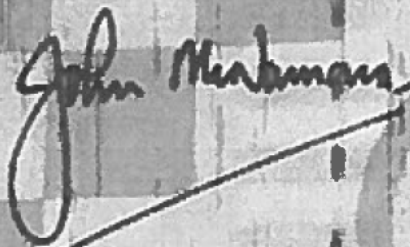
**ANTHONY RALPH**

has been awarded

**BIAB Level 2  
National Certificate for Licensees  
(On-Licence)**

Qualification Accreditation Number:  
100165273

Date Achieved:  
02 May 2003



John McNamara, Chief Executive  
BIAB Wessex House 100 Park Street, Bournemouth, Surrey GU15 3PT



Ref: 2391028

This certificate does not ensure the granting of a licence as issues, other than knowledge, have to be taken into account.  
The details of this Certificate are recorded at BIAB

B-1

C. Exhibit APR/2

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# Age Verification

This is to certify that

**Anthony Ralph**

completed an e-learning course in the above subject

**The key areas covered:**

- The law on age verification for public sales
- Age verification policy and procedure
- Acceptable forms of ID
- Refusal of service on ID age verification
- Managing a minor and handling age verification

Date: 14/04/2021

Signed:

**Martin Hilton**

Director of Learning & Education

Fellow, Higher Education Academy



D. Exhibit APR/3

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# Allergen Awareness

This is to certify that

Anthony Ralph

completed an e-learning course in the above subject.

- The key areas covered:**
- Identify the 14 allergens and what foods contain them
  - Understand the characteristics and consequences of food allergies and intolerances
  - Understand the importance of providing accurate allergen information for consumers
  - Aware of control measures put in place to protect consumers from harm

Date: 10/05/2021

Signed:

**Martin Hilton**  
Director of Learning & Education  
Faculty Higher Education Academy



This award requires 11 hours of CPD. This will contribute to your CPD record and count towards your annual CPD with the Professional Institute of Regulator

E. Exhibit APR/4

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# Drugs Awareness

This is to certify that

**Anthony Ralph**

completed an e-learning course in the above subject:

**The key areas covered:**

- Drugs - Identification and use
- Drug - Misuse and dependence
- Drug - Safety and side effects
- Drug - Abuse and addiction
- Drug - Withdrawal symptoms

Date: 11/04/2021

Signed:

**Martin Hilton**  
Director of Learning & Education  
Filton Health Education Academy



The CPD Standards Office  
CPD PROVIDER 2015-2021



F. Exhibit APR/5

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# Fire Awareness

This is to certify that

**Anthony Ralph**

completed an e-learning course in the above subject.

**The key areas covered:**

- Fire prevention and fire hazards
- Fire evacuation and fire alarm
- Fire fighting and fire extinguishers
- Fire investigation
- Fire safety signs and notices
- Fire safety responsibilities
- Additional tasks to be completed when conducting fire drills

Date: 28/03/2021

Signed:

**Martin Hilton**

Director of Learning & Education

Regional Fire and Education Services



G. Exhibit APR/6

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# Health & Safety

This is to certify that

## Anthony Ralph

completed an e-learning course in the above subject:

**The key areas covered:**

- 1. Roles & responsibilities of staff in health and safety
- 2. Incident & liability
- 3. Health & safety risk assessment
- 4. Procedures to follow when accidents or injury occur
- 5. How to create a safe work

Date 28/03/2021

Signed 

**Martin Hilton**  
Director of Learning & Education  
Egton Health Education Academy





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H. Exhibit APR/7

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# Manual Handling

This is to certify that

**Anthony Ralph**

completed an e-learning course in the above subject

**The key areas covered:**

- Progression from Manual Handling to Lifting and Carrying
- The role of the spine in lifting and carrying
- Risk assessment and control

Date 11/04/2021

Signed

**Martin Hilton**

Director of Learning & Education  
The Hilton Education Academy



The CPD Standards Office  
CPD REGISTERED 18388  
JUNE 2021



I. Exhibit APR/8

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# Slips, Trips and Falls

This is to certify that

Anthony Ralph

completed an e-learning course in the above subject:

**The key areas covered:**

- 1. What is a Slips, Trips and Falls (STF) accident and how to prevent it
- 2. How to prevent STF (e.g. housekeeping, slip mats, wet floor signs, etc.)
- 3. Types of STF (e.g. slipping on liquid spill, tripping over an object, etc.)
- 4. The importance of reporting STF and how to report it
- 5. The importance of first aid and how to use it
- 6. The importance of first aid and how to use it

Date: 29/03/2021

Signed:

**Martin Hilton**

Director of Learning & Education

Follow Right - Educational Strategy



J. Exhibit APR/9

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JACKZ BAR

-v-

TORBAY COUNCIL

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STATEMENT OF [REDACTED]

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I, Mr [REDACTED], Owner of Walls 2 Floors Limited ('the Company') of [REDACTED], Torquay, [REDACTED], will state as follows:

I am making this statement in relation to the review of the premises licence for Jackz Bar, Parkham Road, Brixham, TQ5 9JR ('the Premises').

**Background**

The Company has been trading for three years and provides building maintenance services through contracts with regular longstanding customers. The Company has a particular focus on maintenance services for guest houses, restaurants, bars, retirement homes and hotels.

The Company currently employs five employees.

Prior to establishing the Company, I was a partner in CVS Property Services Limited which also provided general maintenance services to our customers. It was when this partnership ended that I opted to set up the Company.

**Jackz Bar ('the Bar')**

The Bar is situated in Brixham. Ross Hennessy is the Owner of the Bar and Andy Ralph is the Manager who runs the Bar.

I was familiar with Mr Hennessy prior to completing any building works at the Bar as I had done some maintenance work at his personal property. I was also familiar with Mr Ralph as he worked for me approximately 30 years ago as a general labourer before he went into the hospitality industry.

In early January 2022, I was contacted by Mr Ralph in relation to building maintenance works to be completed on the upper level at the Bar. Over the weeks to follow, the Company completed the following building maintenance works at the Bar.

In the male and female bathrooms, there was no power supply to the lights which were fitted in to the ceiling. Instead, the bathrooms had another set of lights which were powered by batteries. We removed the lights in both bathrooms and fitted a new LED lighting system with emergency lights in each cubicle.

Both the male and female bathrooms did not have hot running water and so we installed new taps which have a feature which provides hot running water.

In the female bathroom, we replaced a sink which had been cracked with a new sink.

In the male bathroom, we removed the old ceramic urinals and replaced them with a new stainless-steel trough which was connected to the water supply and which flushed properly.

In the bar area, there was a large number of cables. We identified that most of the cables were either not live or not being used and so we removed all those cables.

There was a fuse board at a low level which was situated in the bar area. We boxed in the fuse board and the other remaining cables in the bar area, which are now all fully concealed.

We installed a noise pollution system in the Bar. This system ensures that if the noise goes beyond a certain level, the power to the Bar's sound system is shut off. This is detected through a microphone which is situated in the bar area.

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The emergency exit door was previously quite narrow and so we installed a 900cm door which is much wider. Mr Ralph and myself did some work to the emergency exit and so the doors now open outwards and can be opened with a push bar which was not there previously.

We removed an old jukebox which was situated on a wall in the bar area. This had no wires to it and so we removed the jukebox and completed minor remedial work to the wall.

We have installed secondary glazing with laminated glass on the inside of the Bar. We are now currently waiting for the glaziers to come in and replace the broken panes of glass outside of the Bar.

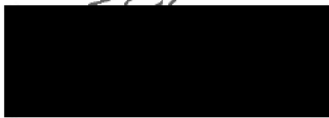


I would say that the Bar is situated in an old building. While the Bar was looking quite tired initially, it is coming together quite nicely and it is looking much tidier. I would say that this is an ongoing project but Mr Ralph and Mr Hennessy have demonstrated a willingness to invest and improve the Bar.

I understand that the plan is to completely refurbish the lower level of the premises in the Bar before completing a full refurbishment of the upper level. The refurbishment of the lower level has already started, with the work to be completed within 6 – 8 weeks.

I certify that the contents of this statement, consisting of 3 pages, are true and I understand that it will be used as evidence in the case.

SIGNED:

A black rectangular redaction box covering the signature of the person who signed the statement.

DATED: .....23-03-2022.....

JACKZ BAR

-v-

TORBAY COUNCIL

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STATEMENT OF [REDACTED]

---

I, Mr [REDACTED], Owner of CutLeaf Productions of [REDACTED] Brixham, [REDACTED], will state as follows:

I am making this statement in relation to the review of the premises licence for Jackz Bar, Parkham Road, Brixham, TQ5 9JR ('the Premises').

On 15 March 2022, I was contacted by [REDACTED] of Stephenson Solicitors LLP who requested that I attend the Premises to take photographs of the repair work completed by the Owner of the Premises, Mr Ross Hennessy ('the Owner'), collate the photographs and prepare physical bundles of any photographs taken.

On Friday 18 March 2022 I attended the Premises and was met by the Owner, who directed me to the repair work completed at the Premises which I photographed.

An electronic copy of the photographs taken were provided to [REDACTED] of Stephenson Solicitors LLP via email on Monday 21 March 2022. Physical copies of the bundles were also finalised and made available for collection on the same day. A copy of one of the physical bundles I prepared can be found at Exhibit SR/01.

I certify that the contents of this statement, consisting of 1 page, are true and I understand that it will be used as evidence in the case.

SIGNED [REDACTED]

DATED: 21 MARCH 2022

**JACKZ BAR**

-v-

**TORBAY COUNCIL**

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**STATEMENT OF ROSS HENNESSEY**

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I, Mr Ross Hennessey, owner of Jackz Bar will, state as follows:

**Background**

1. I am making this statement in relation to the review of the premises licence for Jackz Bar, Parkham Road, Brixham, TQ5 9JR ('the Premises').
2. I make this statement in my capacity as leaseholder of the building housing the Premises and as the business owner. I am aware of the current conditions in place to ensure that I am prohibited from entering the premises during operational hours and that I shall not be involved in or influence the operation of these premises. I confirm that any reference to my involvement with the premises is restricted to my role as business owner and leaseholder of the property from which the premises licence operates from. I confirm that I do not attend the property during operational hours.
3. I make this statement in an effort to assist the sub-committee in its understanding of my input ongoing and intended moving forward.

**Background to licensing history**

4. By way of background, I think it is important to outline my licensing history. In October 2018 I opened Hennessey Cocktails ["Hennessey's"]. I was DPS and Licence holder. I applied for a Temporary Event Notice ["TEN"] for the opening weekend. This allowed me to stay open until 3am. I became quickly aware that this upset the local residents. Immediately, within a week of opening another local business canvassed the local area with a petition encouraging complaints to the Licensing authorities. The Licensing authorities received around 6 or 7

complaints over 5 to 6 months following that one TEN. I was very co-operative with the licencing authorities. I accept that it was a mistake to obtain a TEN that weekend but did so with good intentions and without intention of appearing inconsiderate to the local residents.

5. I worked together with the local authority to try to resolve any issues. I upgraded my analogue noise limiter to a digital noise limiter at a cost of £2000. In March 2019 I received my last noise complaint. I did not receive another noise complaint after that relating to Hennessey's.
  6. We traded well until the onset of Covid-19 when we, like every other business of that type were forced to close. We were then able to reopen on the basis of 'tier two' restrictions allowing service of alcohol as long as table service was accompanied with a substantial meal. We trialled this for two weeks but it wasn't profitable. We decided to halt the whole thing and closed because we were not making money.
  7. I then made an error in judgement that led to me receiving a fixed penalty for a breach of Covid-19 regulations by serving alcohol drinks to two of my friends. On the day in question, two of my friends spotted my car outside Hennessey's and spotted me cleaning inside. The bar was not open however the door was unlocked. They came in with some lunch they had bought from a local fish and chip shop. I locked the door behind them. I was cleaning and foolishly served them two drinks each, without charging, whilst I continued to clean. The bar was shut to the public but it is apparent that a passer-by reported the meeting and I received a fixed penalty for a Covid-19 breach.
  8. I then did something even more stupid. When the local authority/Police visited, they didn't sanitise their hands or wear PPE. I put up a two minute video of this on Facebook to highlight how the people fining you, were actually not following the rules. The video went viral. I deeply regret doing that.
- 
9. In my view, this fuelled the licencing authorities to look for any possible issue. I believe that I was then on the radar of the licencing authorities. Hennessey's was ultimately subject to a Review of the Premises Licence on 24 June 2021 on the grounds of 'Public Safety', 'The Prevention of Public Nuisance' and 'The Prevention of Crime and Disorder'.
  10. Crime and disorder was not an issue of concern. In the 3 ½ years at Hennessey's there was 1 recorded incident that resulted in no further action being taken after an initial police investigation. Any other times the police were called related to the welfare of people outside the premises. I recall there being a total of 4 phone calls to the police in 3 and half years.

11. The premises licence was revoked and I then appealed and was allowed to stay open ending the outcome of the appeal. Ultimately the appeal was unsuccessful and I was ordered to pay £21,277 in costs.
12. The decision was based on a finding that, on three occasions I did not comply with conditions to provide CCTV footage when requested. I argued that, on two occasions, I provided the evidence in the format the system recorded in albeit a format that would not play on the local authority systems. The CCTV request came from a concern raised by a member of the public about a lock-in. I made an off-the-cuff comment that maybe my staff played music after hours and that was taken to be an admission. The licensing officer then opted not to send the version of the footage to the video processing team because of this comment being considered to be an admission.
13. Following the Covid-19 breach, the licensing officer suggested that they would send an officer to seize the hard drive given the issue with compatibility of the footage and by the time they attended to collect the footage, it had re-written over itself. Notwithstanding the fact that the officers had already viewed the footage, they suggested I tried to circumnavigate the conditions of my licence and try and get out of my Covid fine.
14. There was also a lot of weight attributed to the Covid-19 breach. It was deemed to be a lock-in. I deeply regret this. I deny that I have acted dishonestly in any way and aim to be co-operative with the licencing authority in complying with the conditions of my licence. I regret not having the appropriate awareness of the public mood of the impact of not strictly complying with Covid-19 regulatory requirements.
15. At the subsequent appeal hearing in December 2022, I had by that time established a working relationship with Anthony Peter Ralph ["Andy"]. He had agreed to come and work for me and supported me through the appeal process. He attended the hearing with me. Prior to the hearing we had agreed a consent order agreeing to Andy being DPS. However, the local authority then withdrew it without giving a reason.
16. A few days before the hearing Andy spoke with licensing officer named Julie Smart and her boss, over a phone conversation. Julie Smart confirmed to Andy that she had no issues with him. She explained that the reason she withdrew from the consent agreement was that she had heard that he was employed and that he was not willing to leave. Andy said he was willing to and would leave with immediate effect. The local authority relied on evidence at the appeal hearing from Andy's then employer, [REDACTED] owner of the Bulmer's Arms, who stated that Andy was subject to a month's notice and that he was not prepared to allow him to leave without serving that notice period. The committee ultimately considered that Andy would not be able to immediately assist with the licence. The appeal was unsuccessful.

### Involvement with Jackz Bar

17. I purchased Jackz Bar ["the Premises"] in May 2021. It was already an established bar in Brixham and the only bar with a 3am licence.
18. My initial plan was to turn Jackz into a Sports Bar but I did not follow through with those plans.
19. A week before the purchase went through I got an email saying Hennessey's was up for review. They had the Hennessey's hearing and the Premises hearing to consider my application to be DPS all in the same day.
20. The building that houses the Premises has an upstairs and downstairs. Each floor has a different licence. It is the upstairs that houses the Premises.
21. At that hearing of 24 June 2021 was refused my application to become DPS and licence holder of the Premises. I was left with no alternative but to appeal the decision to revoke the licence of Hennessey's and to apply to transfer the DPS and licence holder responsibility for the premises to [REDACTED]. She was the perfect candidate. She had worked there 15 years and knew the bar inside out, She was already in charge of managing the bar. The application was granted.
22. Julie Smart decided to push the point that [REDACTED] had a day job and therefore wasn't suitable. The fact that she was a single mum was brought up. Her day job never interfered; it was 25 hours a week worked across 4 days.
23. Julie Smart also initially had the wrong number for [REDACTED]. I gave her the right number and she immediately answered. She pushed the agenda that [REDACTED] was ignoring her. Julie Smart suggested [REDACTED] was uncontactable and that crime had risen under [REDACTED] control. We met up with Julie before the Review Hearing. Julie and her boss had been in the building three times before that visit and not raised any issues. It had an up to date EICR certificate. I assumed it was fine. I wasn't going to touch the electrics until we fully refurbished. The local authority knew of my plans for both upstairs and downstairs to get a full refurb.
24. The meeting went well. Even though there was friction. [REDACTED] and I left the meeting feeling confident going into the Review hearing.
25. Following that meeting they wrote a report saying that I had taken a lot of the people off the banned list. I only unbarred people who had a good track record or behaving well in my bar (Hennessey's). None of the people on the barred list caused any issue. I think that the context

of this decision had been ignored. I knew for certain that the licensing authority were not comfortable with my involvement from that point.

#### Crime and disorder allegations

26. Since I took over as leaseholder in April 2021 there have been 5 instances of behaviour that the police have described as crime. I have briefly summarised those instances below:
- a. On 10 July 2021, a doorman reacting to an assault, threw a punch and knocked a customer unconscious. He was subsequently released and has not been employed by the Premises since.
  - b. On 17 October 2021 there was an allegation by a female that she was sexually assaulted. This allegation was subsequently withdrawn the morning after when the female admitted having spent the previous day drinking and taking drugs;
  - c. An incident took place involving a female member of the security staff who had her hair ripped out by a customer who had been refused entry after 1am (it is a condition that no customers enter after this time) and although the police were given the CCTV of the incident they declined to prosecute;
  - d. A young man, called [REDACTED] who tried to gain entry past 1am (it is a condition that no customers enter after this time), threw a mobile phone through the window of the Premises after he was denied entry. A decision was taken not to prosecute, and
  - e. A man refused entry after 1am threw a beer barrel through one of the windows. The police refused to prosecute.
27. I think this is important to mention that some of the issues referred to above have arisen as a consequence of our strict compliance with the condition not to allow entry after 1am. This is an issue that we believe is contributing to anti-social behaviour. It had suggested to the licensing authority, previously, that an extension from 1am last entry to 2am would stop antisocial behaviour given that the expectation of customers visiting bars across the Torbay area is that last entry would be 2am with a bar that closes at 3am. In my view, turning people away when they have an expectation that they will be allowed entry is what causes the issues.
28. The relevant DPS and supporting staff called the police four times in a few months. There is a suggestion that this was proportionality much higher than the average number of calls per year during the tenure of the previous owner.
29. I think that the incidents need to be considered in the context of a customer base emerging out of a Covid-19 lockdown period.

30. There are 12/13 bars in Brixham all licenced until midnight. The Premises is the only bar licenced until 3am.

#### Review Hearing in October 2021 and subsequent aborted appeal

31. In October 2021 the Premises had the Review hearing. The conditions had largely been agreed prior to that Review Hearing. [REDACTED] was feeling very targeted by the licensing authority. [REDACTED] said she did not want to be in charge of the bar as it was too stressful.

32. We were fortunate enough to be able to change the DPS and licence holder to [REDACTED]. [REDACTED] had run bars before. I was confident that she was well equipped to be able to handle the licensing responsibilities. I was aware that, following the decision in October 2021, I would not be able to influence the management of the premises licence and as a consequence I left [REDACTED] in control.

33. Following that, until the unsuccessful appeal of the Hennessey's decision in December 2021, I was still actively involved in the running of Hennessey's, I was involved in communication with the local authority. I am aware that I now should not be communicating with them in relation to matters relating to the licence of the Premises, even if there are any overlapping issues relating to Hennessey's. It is for this reason that I have become more reliant on the experience and expertise of Andy as my Regional Manager and proposed DPS and licensee for both Hennessey's and the Premises. I am aware that I need to ensure that I am not involved with the premises licence and need to know that I have the security of a DPS and licence holder who is able to act without input from me.

34. Notwithstanding this, the Council suggested that, in order to avoid an appeal hearing, we try to negotiate our conditions. Conditions that remained on the licence included:

- a. I remain prohibited from entering the premises during operational hours and that I shall not be involved in or influence the operation of these premises
- b. They removed a condition to have two door staff on each night and changed that to a requirement for two at the weekend and no requirement on weekdays.

#### Reopening in January 2022 and subsequent Review Application

35. The appeal was withdrawn by consent in December 2022. It was a condition that we had to run the course of our suspension. We then reopened on 8 and 9 January 2022 after expiry of that suspension. Those were the first two days of the new licencing conditions. An inspection subsequently revealed that conditions had not been complied with, namely:



- a. The DPS at the time, ██████ booked the courses for staff to have BIIA certificates. However, I understand that she misunderstood the timescales. She thought it was two months from the date that conditions were agreed to, rather than by the date of reopening;
  - b. Efforts were made to join Best Bar None accreditation scheme. I accept that I made enquiries regarding that but I did so on behalf of Hennessey's and at the same time enquired about the Premises. I accept now that this was wrong. Any further communication in this respect will be carried out by Andy.
  - c. Breaches were identified relating to not displaying posters with respect to anti drink driving notices, drink responsibly posters. It is apparent, having spoken with ██████ that they were displayed downstairs but not upstairs.
36. The above issues and other issues highlighted with the condition of the building have subsequently led to a further Review application.

#### Moving forwards

37. Whilst I had confidence in the previous DPS and licence holders, I can now say that I know that Andy is significantly more experienced and have real confidence that he will be dealing with issues that I could not oversee previously. Those conditions that were not met are frustrating to hear of but were not my responsibility given that I did not know the position due to the conditions prohibiting my attendance at the Premises during operational hours and prohibiting my active involvement in the management.
38. The reason I hold this confidence and know that it is different moving forwards is that I have first-hand experience of witnessing Andy in action since he joined us in mid-January. Andy has taken decisions to remain closed until the areas of concern with safety of the building have been completely rectified. I have invested whatever is necessary and have been involved only in a support role. I have had no active control in the management of the licence.
39. We applied for Hennessey's to have a new licence in Andy's name – that has recently been rejected, on the basis that the licensing authority require us to build a lobby. That project is underway and our intention is to apply again in due course. The intention is that Andy would be DPS of the two bars.
40. Andy and I knew of each other because Andy's daughter is best friends with my sister and cousin. Whilst I knew of him, I had never met Andy until he started working at the Buller's Arms about two years ago. He would often finish work at 11pm and come to the Premises to have a drink with his wife. I developed a relationship with him and became aware that he was

a man with experience and knowledge of the industry and someone whose opinion I respected and valued. The opportunity to get him on board was very enticing.

41. I am confident that Andy can autonomously run the bar and deal with all necessary issues arising with any relevant authority. I will be there to support the business and the property financially where necessary but will take Andy's lead and will not attempt to interfere with or get involved in any way with its management.
42. I have been helping Andy with renovations whilst the premises has been closed but have been sure to allow Andy to deal with the logistics. I have been on hand to assist him to help with some of the manual work to save on costs where possible. That said, I have invested a significant amount of financial resources into the renovation of the building. Andy engaged a builder contract of his and was able to draw on his own expertise given his previous history in the building trade.
43. We then got the closure notice and we haven't opened since. We had to do the remedial repairs. Given that I am banned I wasn't aware of some of the issues, such as the issue with the sink. Those issues were not brought to my attention.
44. That issue has been rectified. The lighting issues were inherited and have also been rectified. Andy has had a builder to restorative works to the building and deal with the advisory areas of concern raised by the fire service.
45. As lease holder I am responsible for the building. Environmental Health have recently visited and been impressed with the work carried out. We have a great working relationship with both Environmental Health and the Fire Service.
46. Before we made any changes, Environmental Health did come and have a look and the only issue raised was that the toilet didn't have hot running water. That was again inherited with the building. We now have hot running water. We fixed that within two days.
47. Everything raised by the fire department was a recommendation rather than an essential action. The building was essentially fit for purpose. That said, I was eager as a business owner to ensure health and safety was improved to the optimum level.
48. The electrics and old wires identified had been assessed and signed off. We uploaded our certificates and the local authority have accepted those. On the face of it, everything seemed ok. They were not live cables. They were old defunct cables, tv aerials etc.

49. The local authority visited in September with me and [REDACTED]. This was the first time they had visited the building since we had taken over. They had called the review before they had even carried out an inspection on the building.
50. They visited three times in total and none of the electrics were brought up. When I was present and running the premises they had no issues with the condition of the building.
51. After we opened following the suspension in January 2022, they met up with [REDACTED] and Andy. Andy was working in his final day in his previous job (14 Jan). He heard the issues that were put forward to him. He took the decision to close the bar for those three months. This was entirely his decision.
52. I ask him every week if the Premises is ready to be opened. can we open. He is saying no until he is happy with everything.
53. We have gone above and beyond. They said there were no lights in the women's toilets. We put emergency lights in the cubicles. I know that Andy has listed the works completed in a statement he has prepared for the sub-committee and I do not intend to rehearse those here. Andy has a better grasp of what has been dealt with.
54. I am reassured that Andy's involvement with the Premises and ultimately with Hennessey's, if both manage to retain and have their licences reinstated respectively, will allow me to return to my plans to utilise my experience in the catering industry. I have two options, namely to set up a takeaway and food delivery business or to return to my franchise opportunities with catering for holiday parks. I am eager to return to those projects and feel that Andy's involvement with the Premises will give me the confidence that the business will succeed meaning I am able to invest financially in these other ventures.

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I certify that the contents of this statement, consisting of 9 pages, are true and I understand that it will be used as evidence in the case.

SIGNED



ROSS HENNESSEY

DATED

23/07/22











BEFOR



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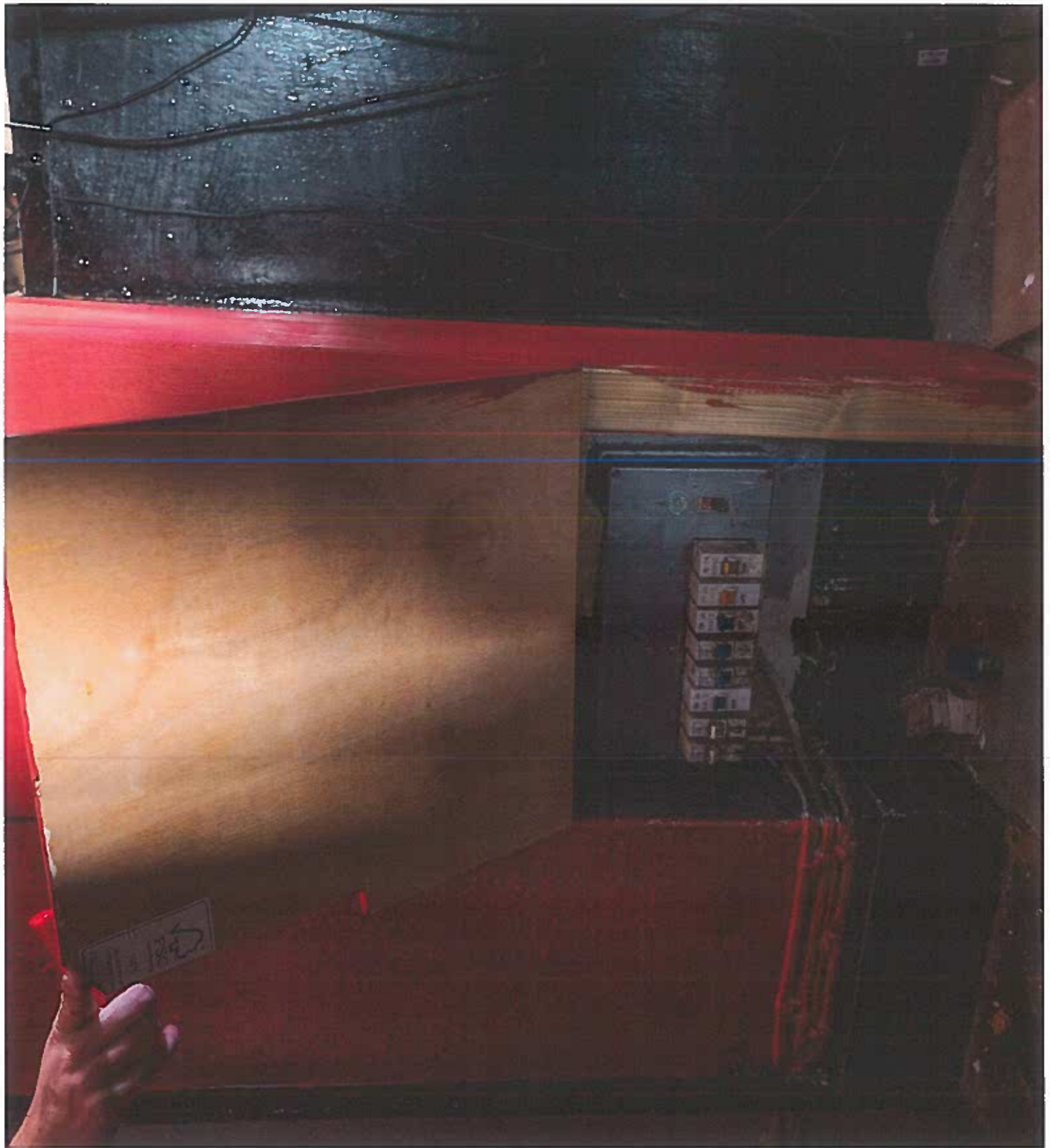










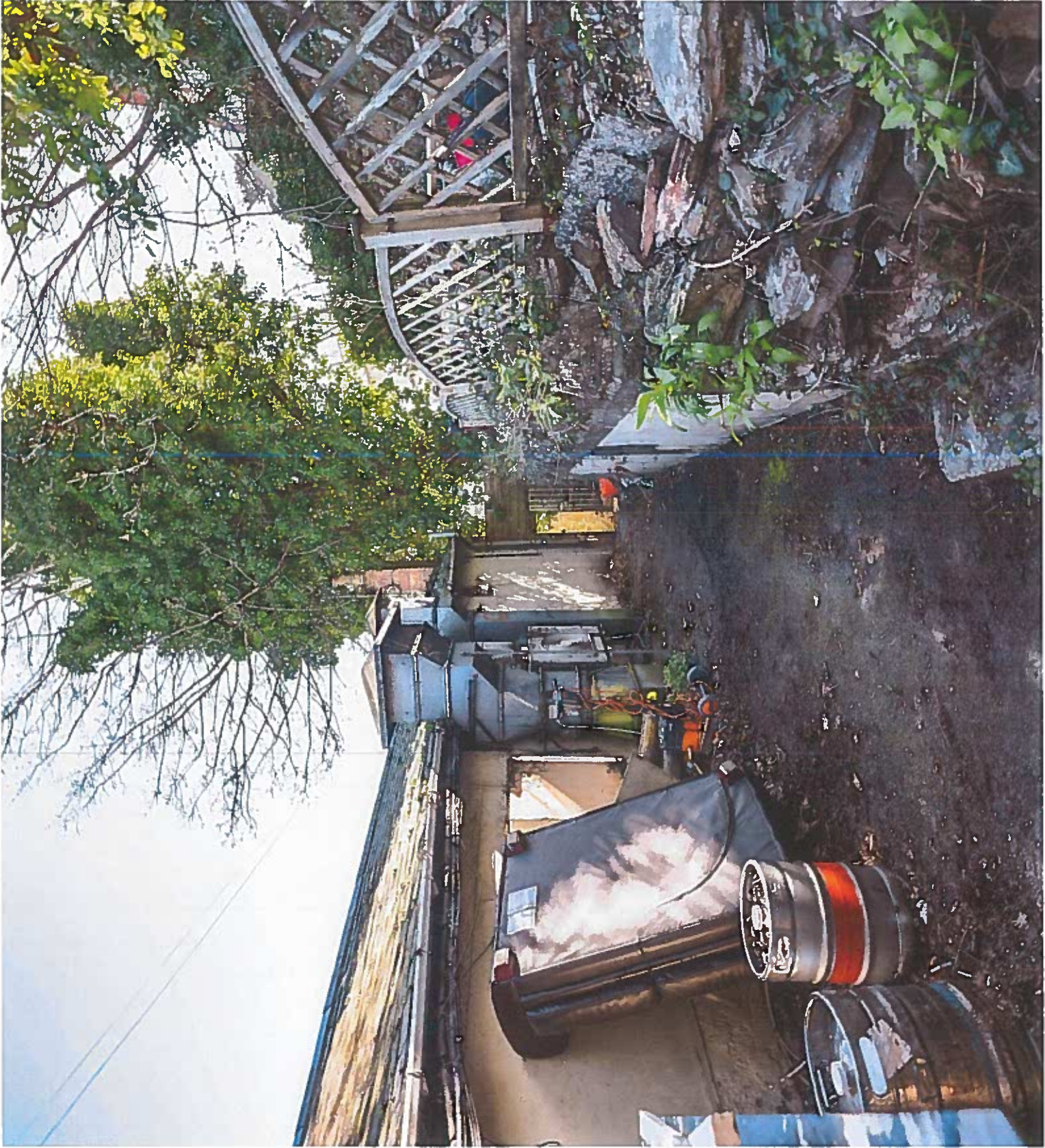
























Active

Monitor



# A.A.D.T.T.

## Noise Pollution Control System

SI-2000 Series

Powering



Timer Power  
Indicator

Analogue Averaging Digital Timing Technology



! Caution ! No User Serviceable Parts Inside.

Service By Qualified Persons Only.

This equipment Must Be Earthed.

Version PPM VII

CHAUVEL  
POWER ELECTRONICS

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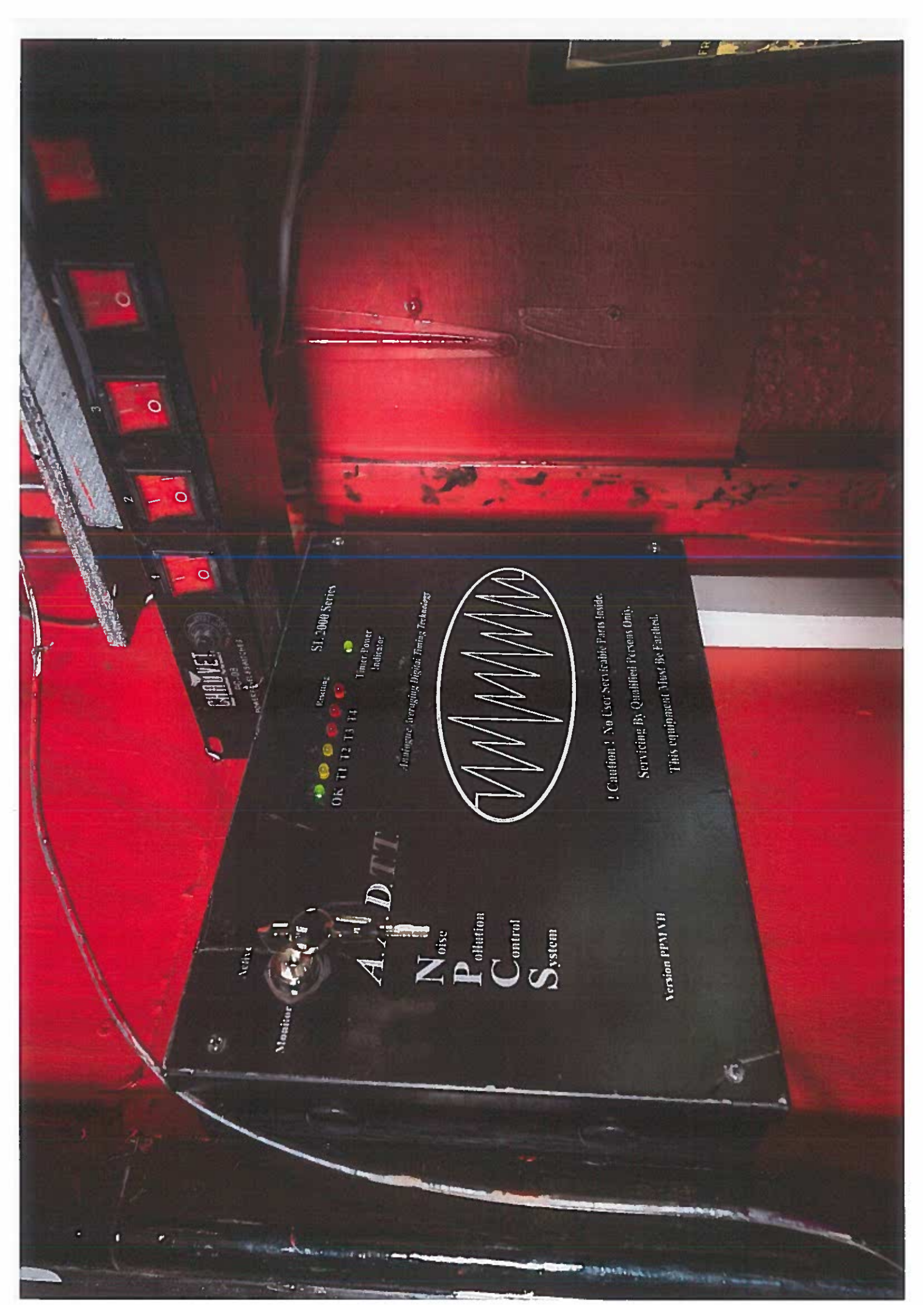
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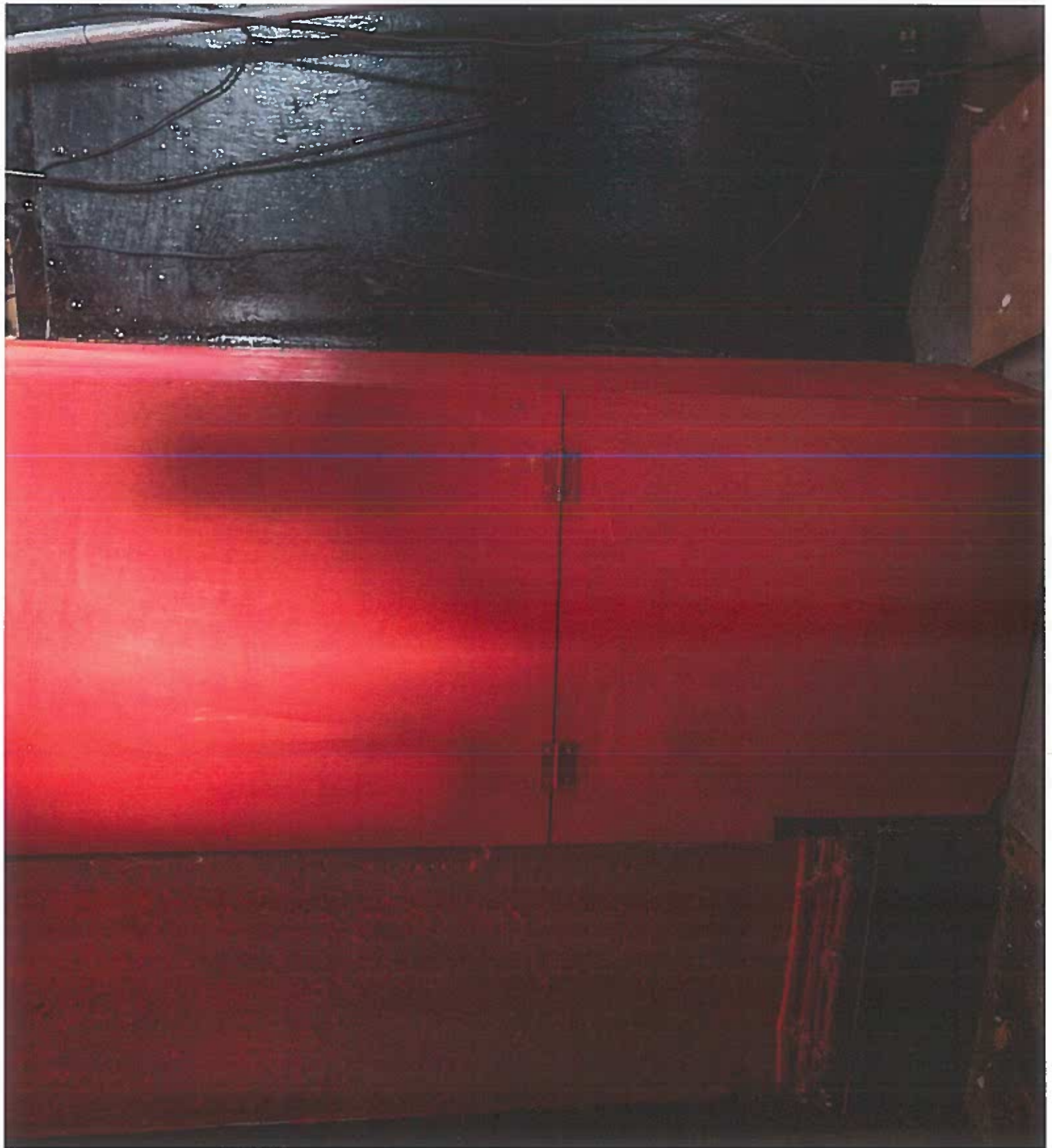
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Push pad  
to open















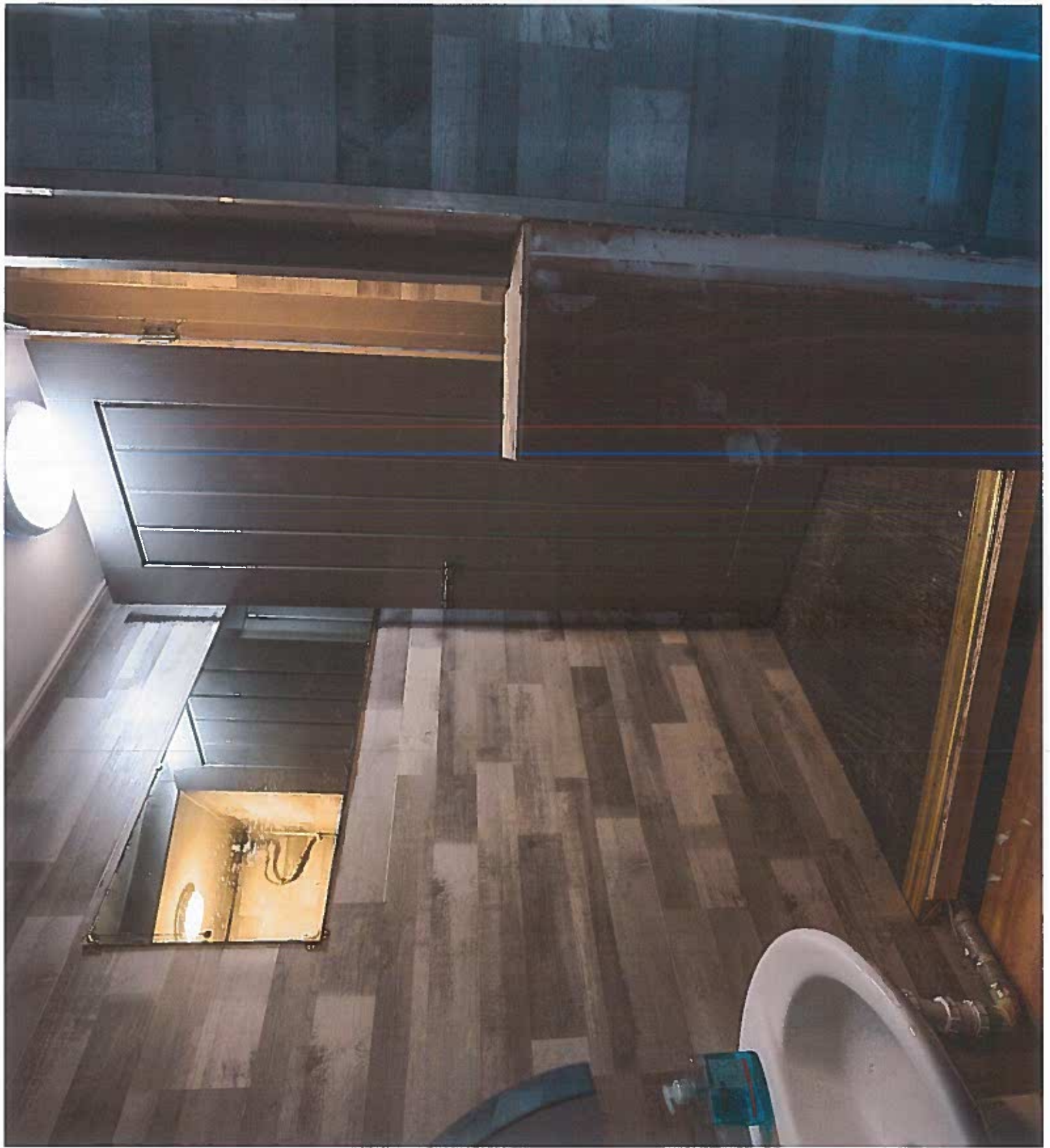
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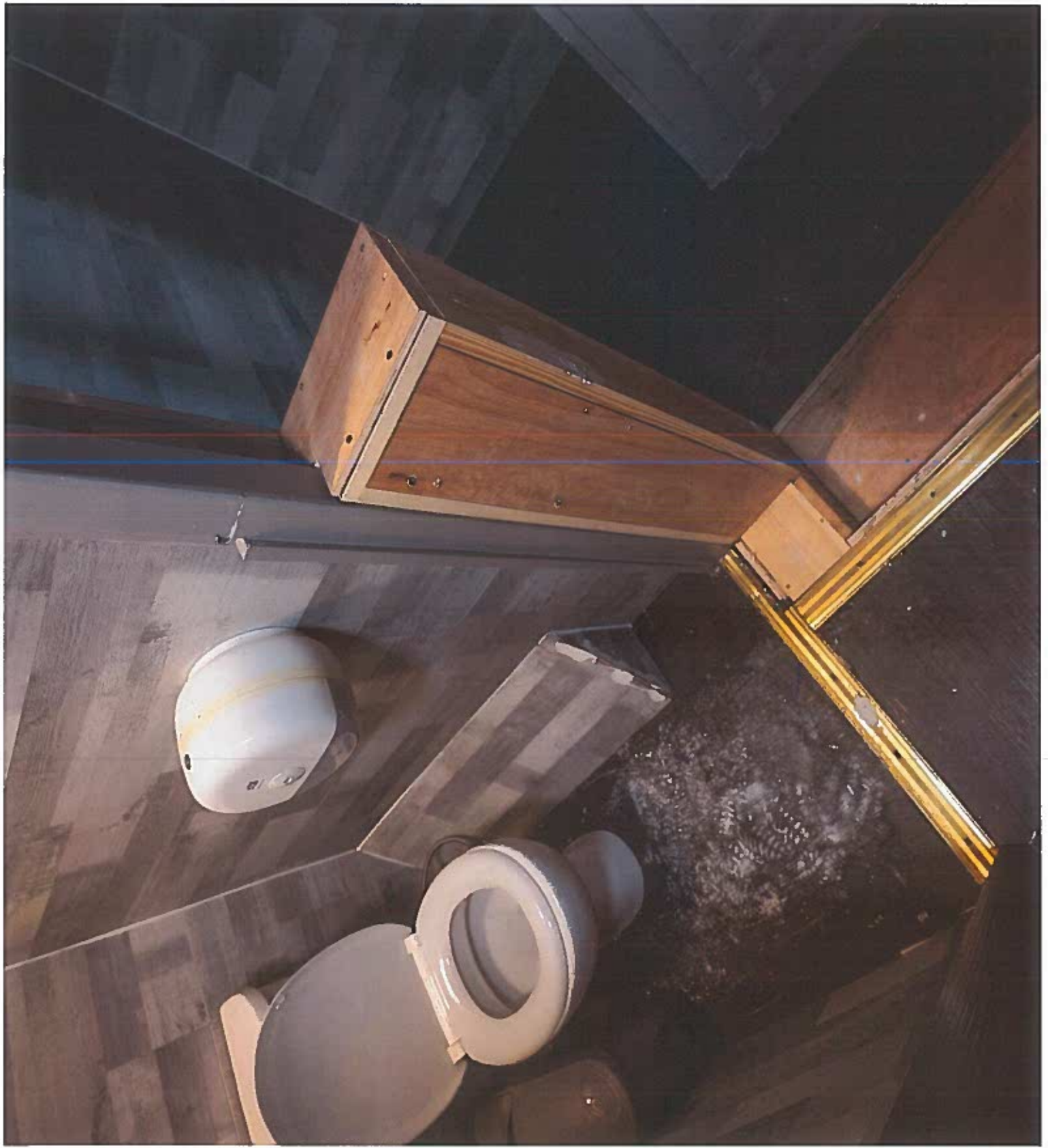
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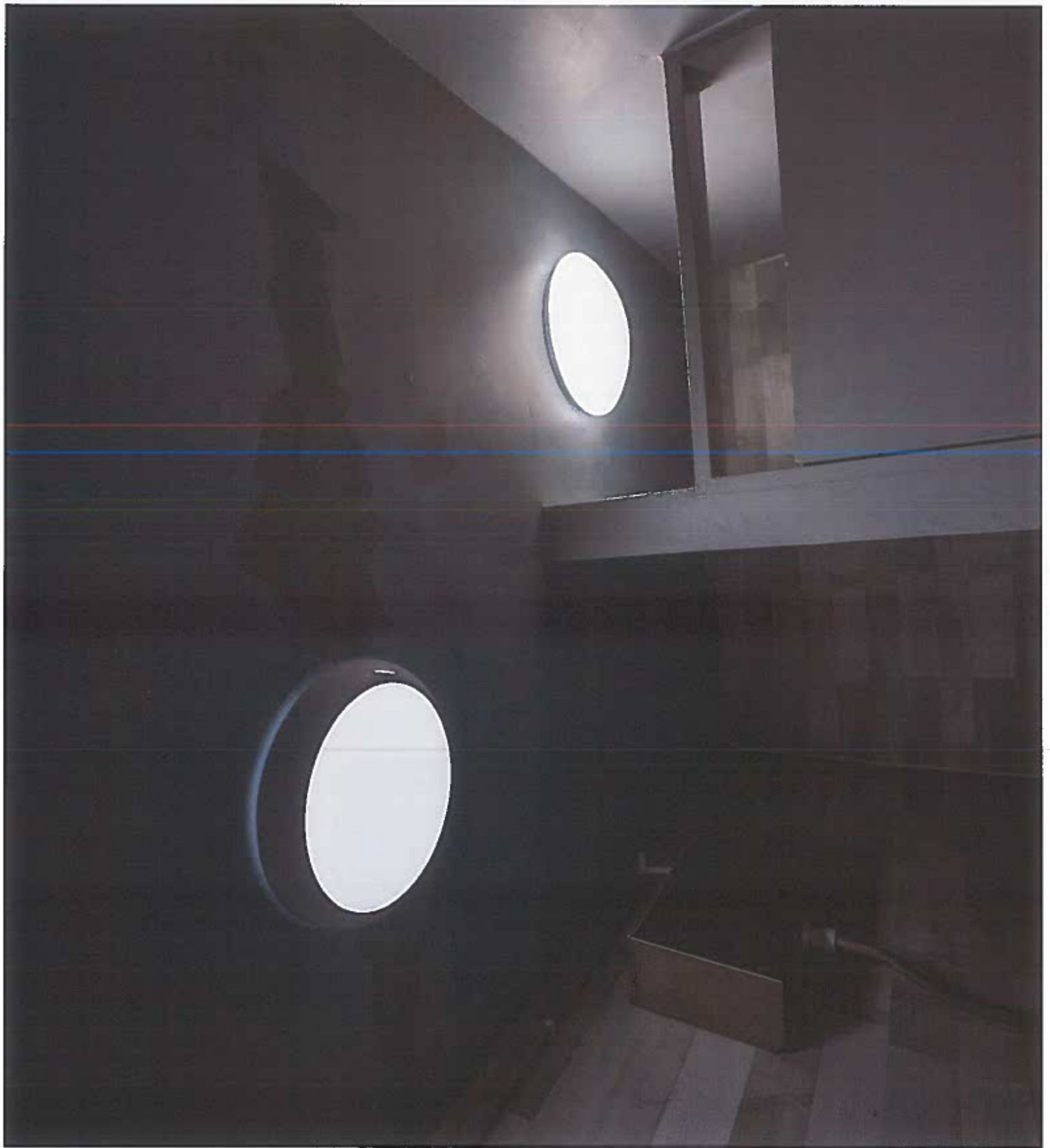






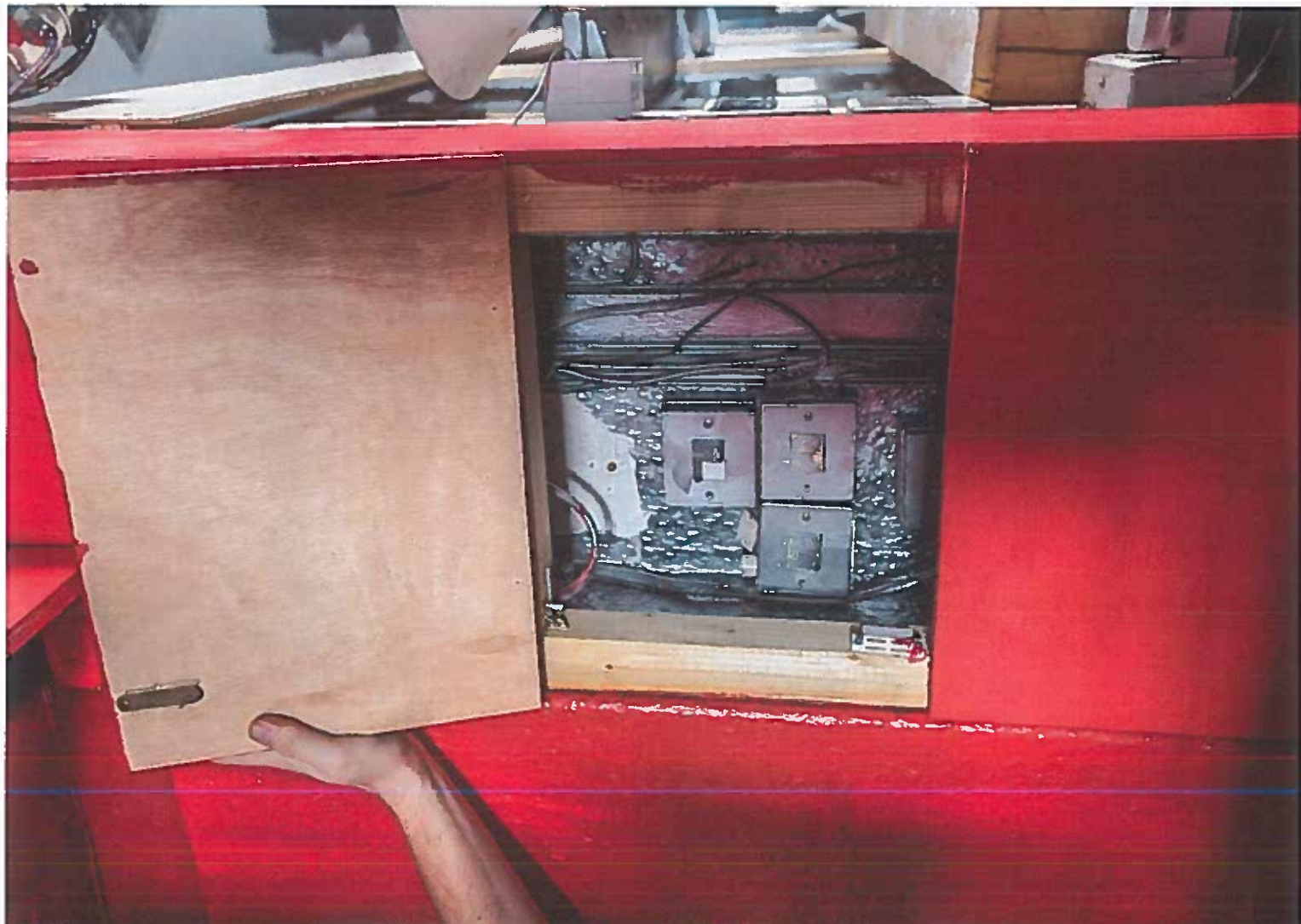
















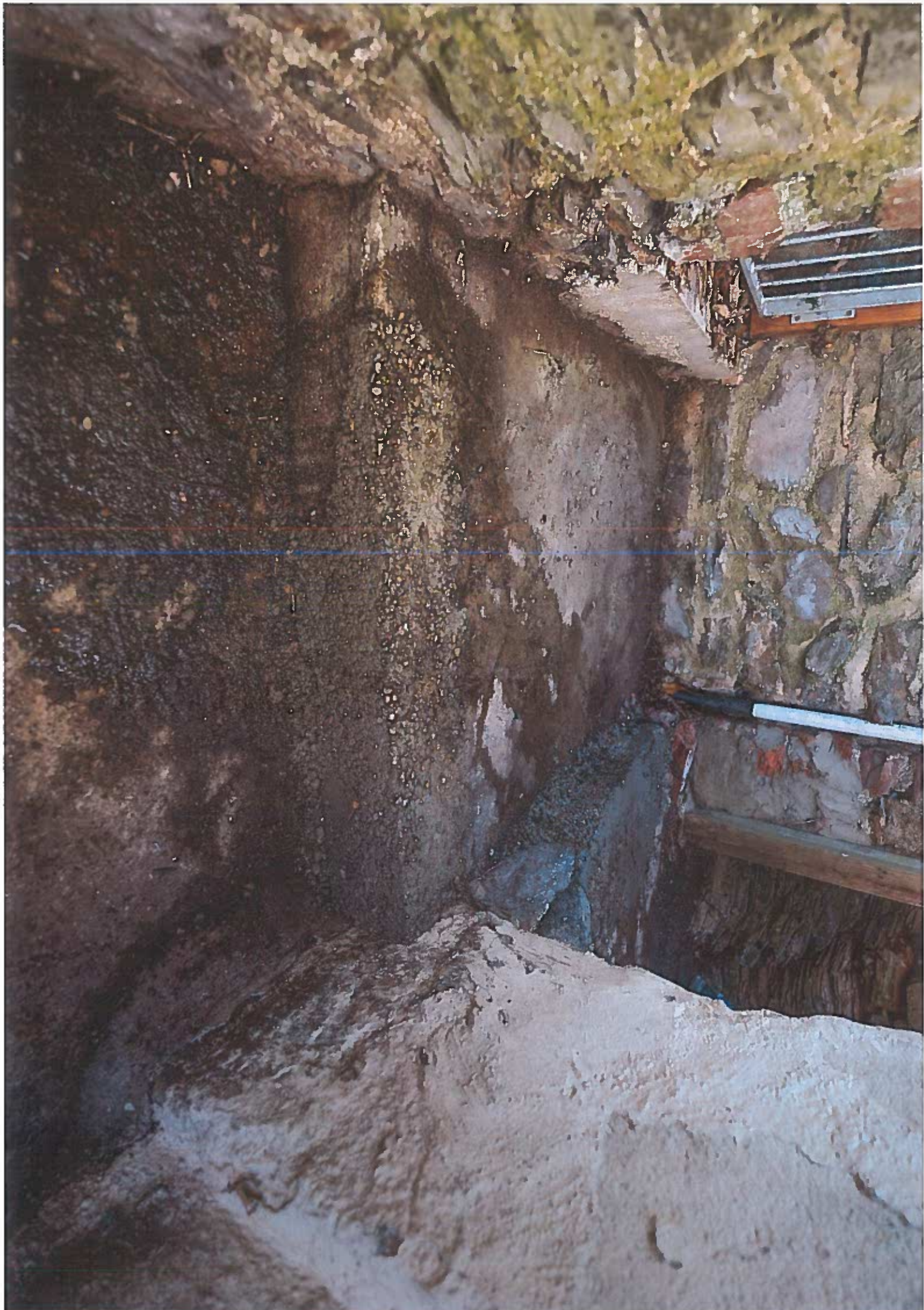
A dark, wet surface, possibly a car's interior or a control panel, with a green label that reads "push pad to open". The surface is highly reflective, showing distorted reflections of light. A yellowish, rectangular object is visible on the right side of the frame. The overall scene is dimly lit, with the primary light source creating bright highlights on the wet surface.

**push pad  
to open**









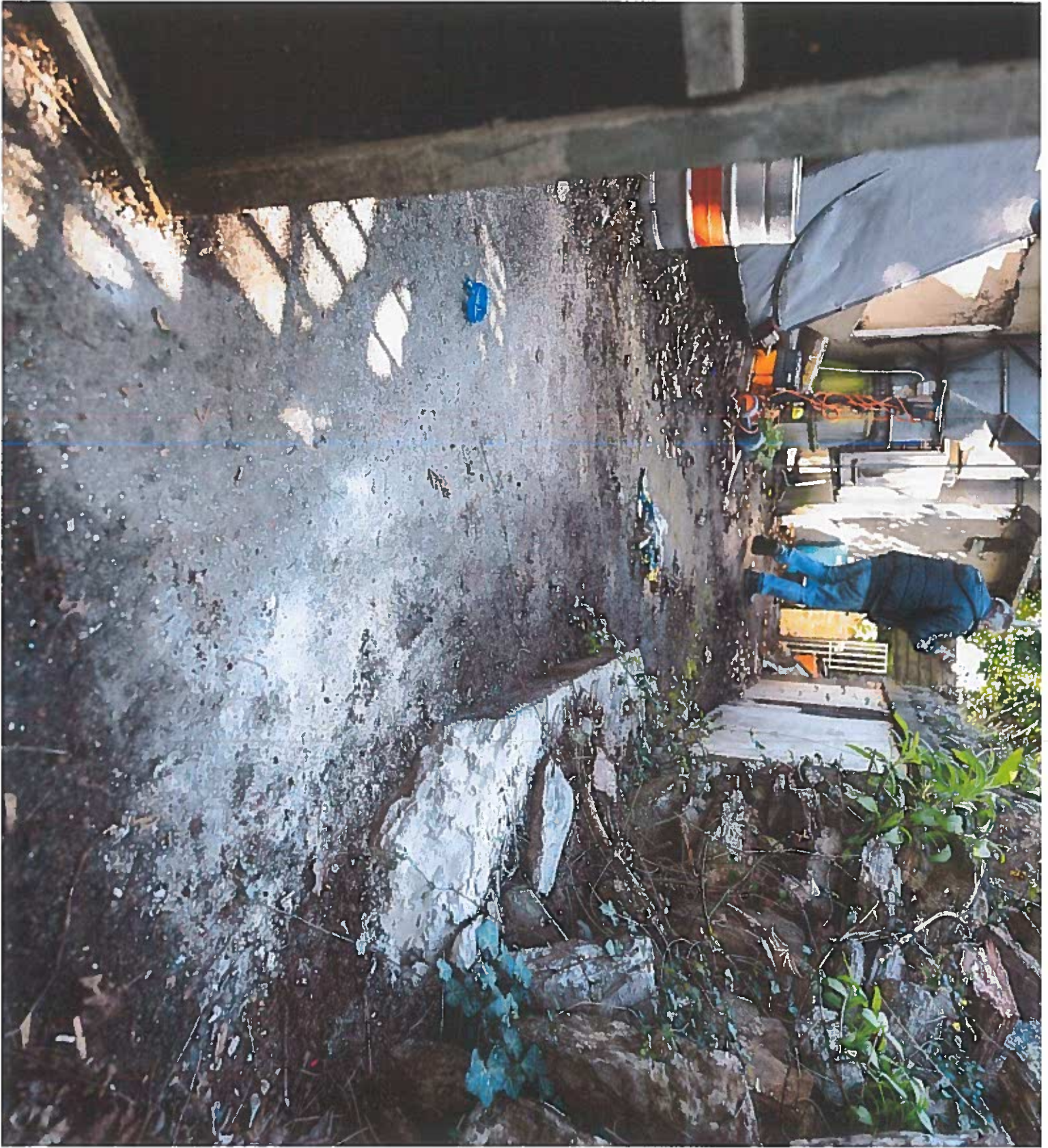




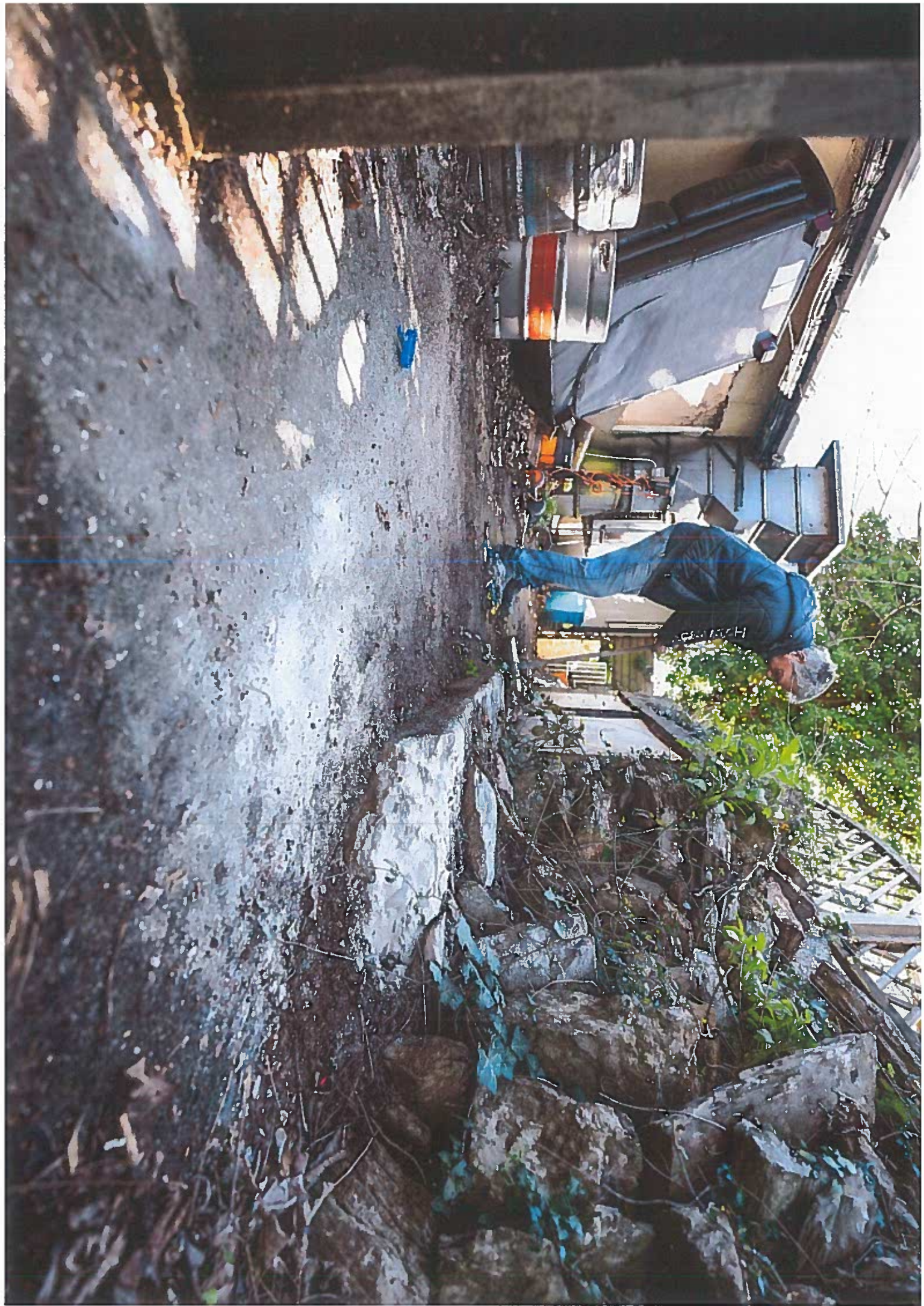














A close-up photograph of a white, rounded hand dryer. The dryer is mounted on a wall. The background shows a textured, light-colored wall with some peeling paint and a horizontal metal bar. The dryer has a smooth, glossy finish and a small logo on its side.

**GENERIC**  
Hand Dryers



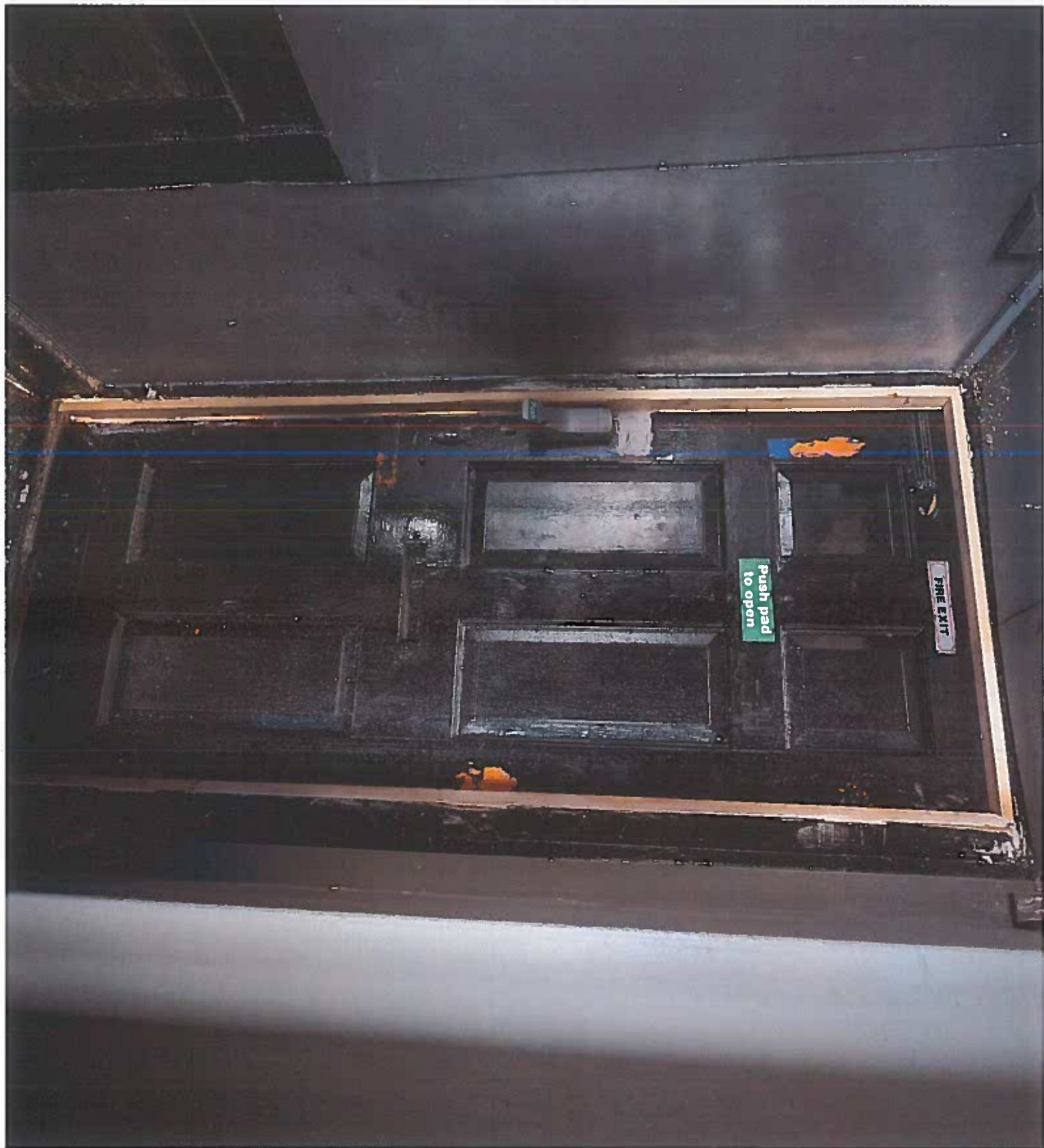


**Push pad  
to open**









push pad  
to open

FIRE EXIT





push pad  
to open



7-ELEVEN

MATCH